

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TROY ETTS, et al.,

Civil Case No. 13-CV-11588

Plaintiffs,

vs.

HON. MARK A. GOLDSMITH

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, as Trustee for Securitized Asset  
Backed Receivables LLC Trust 2004-NCI,  
Pooling and Servicing Agreement Dated as of  
April, 2004, et al.,

Defendants.

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**ORDER REGARDING MOTION TO DISMISS**

The Court has reviewed the pending motion to dismiss (Dkt. 5). In the motion, Defendants argue, in part, that the complaint does not plead sufficiently detailed or specific factual allegations and is, therefore, defective for failing to articulate plausible claims, as required by the Supreme Court's decision in Ashcroft v. Iqbal, 556 U.S. 662 (2009). Without expressing any view regarding the merits of the motion to dismiss, the Court affords Plaintiffs an opportunity to cure the purported pleading defects by granting Plaintiffs leave to file an amended complaint.

Any amended complaint must be filed by June 11, 2013, and must state a "plausible claim for relief" by pleading specific factual allegations that, if true, would "plausibly give rise to an entitlement to relief." Iqbal, 556 U.S. at 680. If Plaintiff timely files an amended complaint, the Court will deny without prejudice the currently pending motion to dismiss as moot. If Plaintiff does not timely file an amended complaint, Plaintiff shall file a response to the

motion in accordance with the time limits set forth in the local rules, and the Court will decide the motion.

SO ORDERED.

Dated: May 28, 2013  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 28, 2013.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager